

Johnson County Juvenile and Family Court Project

Basic Information

Population: 125,769 (Bureau of Census estimates through 2004).
County seat: Franklin
Judicial officers: Six: 4 Circuit & Superior Court Judges
1 Circuit Court Juvenile Magistrate
1 Circuit & Superior Court Magistrate
Project implementation: February 2000
Family Court Judges: Judge K. Mark Loyd and Juvenile Magistrate Marla Clark
Family Court Personnel: The project was implemented with the partial reassignment of the Court Administrator's duties and the creation of one full-time Family Court Case Manager/Assistant Court Reporter position. The Court Administrator's time commitment to Family Court has lessened since implementation, but she continues to have some administrative and policy involvement. In 2004, the Case Manager/Assistant Court Reporter position was added to the standard court budget and recognized as a permanent, full-time position.

Contact person: Donna Sipe, Esq., Court Administrator, 317-736-6813 dsipe@co.johnson.in.us, or Family Court Case Manager/Reporter Tonya Smith Powell, 317-736-3009.

Funding

Family Court Project Funding:

\$90,526 (\$44,785 per year for two years through 2001, plus \$956 one-time distribution)

\$25,000 (\$12,500 per year for two years for 2002 through 2003)

\$6,000 (2004)

\$4,000 (2005)

County government

\$22,826.35 (expenditure for Family Court Case Manager salary through 2003).

\$22,225.00 (expenditure for Family Court Case Manager salary for 2004)

\$23,274.00 (appropriation for Family Court Case Manager salary for 2005)

Note: Family Court Project Funding was used as transitional funding for the Family Court Case Manager position; thus, as the Johnson County Project has advanced, the use of the Project Funding has changed. Project Funding provided both the salary and the benefits for the Family Court Case Manager, in addition to other "incidental expenses" (i.e., pauper legal services, office supplies, training, equipment, etc.) from implementation through 2002. In 2003, Project Funding was used only for the Case Manager's salary and the incidental expenses, as the benefit package was included in the County's general budget. By 2004, remaining Project Funding is used for small salary supplements and incidental expenses, as the Family Court Case Manager position was added to the standard budget as a permanent position.

Johnson County Family Court Mission Statement

The purpose of the Juvenile and Family Court is to effectuate maximum utilization of services to Johnson County families who are involved in particularly complex litigation or multiple, simultaneously pending litigation through coordination of pre-trial proceedings and service referrals.

Family Court Programming

Multiple-Case Family Coordination: One Judge-One Family.

The Johnson County Family Court Project uses a *one family—one judge* model, with the Juvenile Magistrate serving as the presiding judicial officer of the Juvenile and Family Court. Where appropriate, however, the Circuit Court Judge may preside over Family Court cases. The Court accepts multiple cases involving the same family/household members and/or family law cases. In 2003, the local criminal rules were amended to provide that all felony nonsupport cases are initiated in the Family Court.

Families may be referred to the Family Court from a variety of sources: family members, attorneys, Department of Child Services, Juvenile Probation, etc. Once a family is identified for the Family Court and determined to be eligible, the Case Manager sends a Notice of Family Court Eligibility to each court in which the cases are pending. The Notice contains a date and time for the first status hearing in the Juvenile and Family Court. Court staff use a word processing to merge to create a standardized Transfer Order which transfers each case to the Project, vacates existing court dates, and advises the parties of the date and time of the status hearing.

The status hearing is scheduled within 10 days of assignment to Family Court, and the court designates a day per week for Family Court cases. A status hearing on all of a family's litigation is held for the purpose of identifying and/or clarifying issues and party involvement in all the pending cases. Subsequent concurrent hearings are scheduled as needed. The *one family—one judge* model is designed to avoid inconsistent orders, reduce scheduling conflicts and duplicate hearings, expedite cases to closure, and coordinate service delivery. Upon request of counsel, and as determined appropriate, the Magistrate has included the family's related criminal or civil plenary cases in the Family Court proceeding.

Cross-County Coordination Effort

The Circuit Court Judge has also promoted cross-county case coordination. He encourages attorneys in adjacent Marion County to transfer their client's family law or juvenile cases to Johnson County when the subject child resides in Johnson County and there is related pending litigation in Johnson County. Out of county attorneys may be resistant to this approach.

Services for At-Risk/High-Risk Families

The Family Court was designed to coordinate and take full advantage of the variety of services provided in Johnson County. The Family Court coordinates with the local community service collaborative (Access Coordination Team Services) to obtain counseling or other needed services for referred families.

ADR

Johnson County's local rules have long required mediation in contested domestic relations cases, so initially the Family Court was not focused on mediation programming. The Johnson County *ADR Plan*, however, has been approved to provide alternative dispute resolution services to indigent and low-income parties and this programming will be available to the Family Court.

Cases heard in the Family Court are not exempted from the general mediation requirement of the Local Rules. In addition to standard mediation, however, the Family Court has utilized, on occasion, *Judicial Dispute Resolution*. In this process, one judicial officer conducts a settlement conference and serves as a "facilitator" for complex family cases. These conferences have often resulted in case resolution, but when no agreement can be reached the litigation remains under the Family Court umbrella and the other judicial officer conducts the trial. This procedure allows the Family Court to

encourage settlement using the expertise of a judicial officer while allaying any concerns about *ex parte* communications.

Johnson County also developed an *Administration Facilitation* program to assist pro se parties in divorce proceedings. The court administrator meets with the parties before the scheduled hearings to clarify if they are in agreement on all issues (as they have requested an uncontested divorce hearing). If they have contested issues, the hearing may be reset. If the administrator determines there are no contested issues, she assists them in completing a pro se settlement form provided on the Supreme Court Pro Se web site that has been tailored specifically for Johnson County. The administrator provides legal advice. The parties proceed to the hearing with their settlement. The Judge reviews their agreement and reduces it to an order.

Families Served in Johnson County

Johnson County was selected as a Family Court project in February of 2000, and began accepting cases in March. As of December 31, 2004, the Johnson County Juvenile and Family Court Project had served 249 families involved in 595 cases.